



## DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 5.1.3	Subject: <b>ADULT OFFENDER PARTICIPATION IN A COMMUNITY WORK PROGRAM</b>
Chapter 5: FACILITY SERVICES	Page 1 of 11 + 3 attachments
Section 7: Release/Placement	Revision Date: July 2, 2001
Signature: /s/ Bill Slaughter	Effective Date: Jan. 31, 2000

### I. POLICY:

It is the policy of the Department of Corrections to allow for the selection and placement of adult offenders into community work programs. This policy applies to secured adult facilities and only for offenders who meet the criteria.

### II. IMPLEMENTATION:

This policy was last revised and implemented on July 2, 2001.

### III. AUTHORITY:

53-1-201 MCA. Purpose of Department of Corrections

53-1-202 MCA. Department of Corrections

53-1-203 MCA. Powers and Duties of Department of Corrections

53-30-101 MCA. Location & function of prisons

53-30-131 MCA. Prison industries training program - purpose & scope

53-30-141 MCA. Extension of limits of confinement

53-30-151 MCA. Prison maintenance by inmates

DOC 3.1.16, Contraband Control

### IV. DEFINITIONS:

**Case Management Team** for the purpose of this policy means staff that perform case management duties in an offender housing unit.

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**Civilian Work Supervisor** means a trained member of the community who is responsible for the management and supervision of offenders assigned to a community work program.

**Community Work Programs** are work assignments off prison property in which individual offenders or groups of offenders work and receive a wage. Services may be provided at a reduced cost and do not replace existing free enterprise workers.

**Contract Placement Bureau (CPB)** means the unit within the Professional Services Division of the Department that is responsible for developing, managing and monitoring contracts for the placement of adult offenders.

**Correctional Officer** for purposes of this policy means facility personnel legally responsible for the safety, security, and supervision of an offender.

**Correctional Work Supervisor** is a department employee who oversees, manages, and supervises an offender assigned to a community work program.

**Facility Screening Committee** is a committee that consists of the facility management staff (i.e., Warden/Superintendent, Classification Manager, Deputy Wardens or designee) whose duty is to screen offenders for community work programs.

**Local Screening Committee** is a committee assigned to review and approve each offender prior to the offender being placed on a special work project. This committee must include at a minimum a member of local law enforcement, a probation and parole representative, and a member of the local community.

**Unit Manager/Supervisor** (or similar position) means the staff person in charge of a unit whom oversees all unit programs and activities as well as supervising subordinate staff in day-to-day operations.

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## V. PROCEDURES:

Community work programs offer training and skill development that can assist in a successful reintegration into society while ensuring the safety of the public, staff and offenders. Each facility or program must develop specific procedures that address the following:

### A. Offender Eligibility Requirements

In order to be eligible for a community work program, an offender must:

1. be classified Minimum custody;
2. be within three years of release, either by parole eligibility or discharge, and have no pending legal proceedings.
3. have clear conduct (no severe or major violations) for at least six months;
4. not have any detainers;
5. have demonstrated a commitment to change through completion of, or enrollment in, recommended or court ordered treatment, work or skill programs;
6. If a sex offender is being considered for a work program, the offender:
  - a. must not be a Tier III sex offender; and
  - b. must have completed Phase II of sex offender treatment; or
  - c. must be accepted into a community outpatient sex offender treatment program upon release.
7. have positive work reports and a proven ability to work independently;
8. have demonstrated the ability to learn and perform the work independently;
9. never have incurred a felony conviction while incarcerated;
10. have no escape history from a secure facility (including the work dorm) within the last ten years; and have no escape or walk away history from pre-release, work release or any monitoring programs, within the last three years;
11. have no medical restrictions or chronic illness, which would conflict with work requirements;
12. have no pending court appeals;
13. have no history of trafficking in dangerous contraband while incarcerated;

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14. acknowledge and accept responsibility for the offender's crime(s); and
15. not have a record of any predatory criminal behavior, or have been classified as predatory by the Department.
16. Offenders convicted of arson, kidnapping or sex offenses will not be eligible for fire fighting crews.
17. Offenders assigned to fire fighting crews must pass physical fitness standards testing.
18. Offenders transferring from another state must have that state's approval prior to participating in a community work program.
19. Offenders must submit to UA testing upon request. Refusal to submit to a UA test will result in removal of the offender from the Community Work Program, and disciplinary sanction in accordance with Department Policy.

**B. Requests:**

1. Government agencies, non-profit, or private entities desiring to have offenders participate in a community work program must submit a request form to the Warden/Superintendent/Facility Administrator ([Attachment A](#)). Regional or private prisons desiring offenders in their facilities to participate in a community work program must submit the request form (Attachment A) to the Contract Placement Bureau Chief.
2. The following details must be addressed prior to any offenders participating in a work program:
  - who will transport and supervise the offender(s), such as a civilian work supervisor, an institution work supervisor or security staff;
  - what hours each offender will work; and
  - all duties expected of the offender(s).
3. The Warden/ Superintendent/ Facility Administrator, or Contract Placement Bureau

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Chief, will determine if there is a need to have correctional officers directly supervise offenders working in the community.

4. Participation in any work program, or the removal of an offender at any time from any assignment in a work program, will be at the discretion of the Warden/Superintendent/Administrator, or Contract Placement Bureau Chief.
5. The Warden/Superintendent/Administrator will document efforts to obtain community support and participation in community work programs.
6. No offender who has committed a violent crime will be placed in a work program within the community where the violent crime was committed.

C. Screening/Selection Procedures:

The documented approval process must be completed in its entirety prior to any placements.

1. Once the Case Management Team receives a request to place an offender in a community work program, the Case Management Team will screen the offender(s) for approval/disapproval.
2. The offender's case management team must complete a Community Work Program Eligibility/Screening form ([attachment B](#)) for all offenders being considered for a community work program. The Case Management Team must have external employers investigated and inspect the work site before approving the referral.
3. Upon approval, the Community Work Eligibility/Screening Form Report will be presented to the Facility Screening Committee for preliminary review and approval. If disapproved at this review, the report is returned to the Case Management Team with written comments regarding the Committee's determination.

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4. If recommended for continuation in the screening procedure, the report is forwarded to the facility or Department Public Information Officer (PIO)/Victims Information Officer (VIO), or a designee who will complete notification and solicitation of input from the Probation and Parole Regional Administrators, the sentencing judge and appropriate county attorney. In those instances where the victim has submitted a written request pursuant to 46.24.212, MCA, and/or is entered into the VINE system to be notified when the offender leaves the facility, the PIO/VIO will notify the victim and/or victim's family. The PIO/VIO will inform the victim of the offender's eligibility for the community work program and level of supervision. If the victim objects to the community placement, the offender will not be placed in a work program.
  5. A report of the notification and solicitation of input, prepared by the facility or Department PIO or designee, and the Community Work Eligibility/Screening Form will be submitted to the Facility Screening Committee for final consideration prior to approval/disapproval.
  6. Following review by the Local Screening Committee and the Facility Screening Committee, both committees must then meet for final approval/disapproval. All pertinent documents must be available at the time the two committees meet. When the offender has been approved, copies of the leave forms will be forwarded to the appropriate facility personnel. If the offender is not approved, the denial and reasons will be returned to the entity that made the request.
- D. Transportation:
- Transportation to and from the work program shall be the responsibility of the facility unless otherwise agreed upon by the parties. Offenders must be returned to their main facility at the end of each work period unless other arrangements have been made and approved by the Warden/Superintendent/Administrator or Contract Placement Bureau Chief, or designee, in

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advance. If overnight travel is anticipated, arrangements must be made for the offender's supervision (i.e. pre-release or fire fighter crew camp) or placement in a locked facility.

E. Types of Supervision

1. When civilian work supervisors are responsible for the supervision of offenders in the community program, the program must address the following:
  - an orientation prior to assuming the duty of supervising the offender(s);
  - procedures for the immediate notification of the Warden/Superintendent/Administrator/Contract Placement Bureau Chief, or designee, any time there is reason to believe an escape or rule infraction has or may occur;
  - training regarding the consistent and reasonable supervision of offenders based on realistic work expectations, mutual respect and accountability for offenders;
  - tool control, inventories of tools, and training in the maintenance and use of all tools required to complete work assignments;
  - have a picture ID of each offender assigned to him or her whenever out of the facility and be trained in count procedures;
  - have the ability to communicate with the facility at all times either by radio or telephone, and be trained in facility count procedures to ensure contact with the facility during scheduled count procedures.
  
2. When a correctional work supervisor is responsible for the supervision of offenders working in the community, the program must address the following:
  - safety orientation;
  - procedures for the evaluation of the each offender's work performance;
  - procedures for documenting and submitting hours worked by the offender(s);
  - a review of the Offender Job Description form with the offender, explaining job duties, rate of pay, hours of work, etc.
  - procedures for the immediate notification of the

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Warden/Superintendent/Administrator/Contract Placement Bureau Chief, or designee,  
any time there is reason to believe an escape or rule infraction has or may occur;

- have the ability to provide consistent and reasonable supervision of offenders, based on realistic work expectations and mutual respect;
- have a picture ID of each offender assigned to him or her whenever out of the facility and be trained in count procedures;
- have the ability to communicate with the facility at all times either by radio or telephone, and be trained in facility count procedures to ensure contact with the facility during scheduled count procedures.

F. Under no circumstances will employees or supervisors:

- give, trade or receive favors or gifts from offenders, their families, and/or friends;
- leave an offender without supervision or allow offenders to directly supervise one another;
- allow offenders to have visitors or receive mail, or make or receive phone calls;
- leave keys in vehicles or leave vehicles unlocked or unattended around offenders; and
- knowingly conceal any information that might be critical or detrimental to the accomplishment of the mission of the Department of Corrections or the goals of the Community Work Program.

G. Offender Community Work Rules & Regulations:

All community work programs will include the following rules and regulations.

1. Offenders are prohibited from operating a motor vehicle away from the facility (exception: heavy equipment items or State vehicles may be operated with approval by the facility). No offender will operate a motor vehicle for any reason without a current Montana State Driver's License.
2. Offenders may not at any time leave assigned work sites.
3. Whenever possible, offenders will take rest breaks in a manner that limits public contact.
4. Offenders must wear safety and protective clothing and eye covering while working.



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5. Offenders must immediately report all injuries, safety hazards, and broken or malfunctioning equipment to the supervisor.
6. Offenders will not possess, use, or have in their control any item considered contraband in accordance with Department Policy 3.1.16, Contraband Control.
7. Offenders will keep away from hazardous equipment while it is in operation.
8. Offenders will not ride on vehicles or equipment in an unsafe manner.
9. Offenders will follow all instructions given by supervisors.
10. Offenders will exhibit courteous and respectful behavior towards staff/supervisors and members of the public at all times.

Prior to placement in a Community Work Program, offenders will sign an acknowledgment of understanding regarding the rules and regulations that apply to the program they are entering ([attachment C](#)).

H. Program Progress/Monitoring:

1. After the offender begins work, the Case Management Team shall maintain close and regular contact with employer/supervisor to ensure the offender is abiding by community work agreement terms. The Case Management Team must document all employer/supervisor contacts.
2. Security personnel may conduct and document random spot checks of outside work crews.
3. Staff must maintain records on the performance of each offender involved in community work programming and ensure that all incidents or problems are reported to the Facility Administrators as they occur.

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I. Medical Absence:

1. Offenders may be excused from work to attend scheduled medical call-outs or for authorized lay-ins. The management team may excuse an offender from work for one day at a time for illness without medical excuse. The management team staff that authorized the one-day leave must notify the work supervisor of the absence of the offender.
2. If an offender is hurt on the job and it warrants immediate emergency care, the work supervisor will notify the facility medical staff who must authorize or deny the request for outside medical treatment.
3. Any minor medical problems will be referred to the facility medical unit.

J. Removal from the Community Work Program:

1. A work supervisor may request the removal of an offender from his/her job by use of the Job Assignment/Removal form. This removal request form is forwarded to the management team. Reasons for removal include, but are not limited to:
  - loss of work;
  - lack of skills required for the position;
  - conflicting program requirements;
  - mutual agreement between offender and supervisor;
  - refusal to work;
  - poor work performance;
  - disruption to the orderly operation of the work crew; or
  - failure to follow security, safety, and sanitation regulations.
2. If the victim or the community in which the offender is placed objects to the placement the offender must be removed from the work program pending review and determination.

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3. Decision for offender removal from the community work program/project must be properly documented.
4. A rule violation may constitute removal from the work program. Rule violations must be referred to the disciplinary team.
5. The offender cannot grieve the decision for removal.

K. Escape and Other Rule Infractions:

If an offender fails to return, or fails to remain within the limits of the approved plan, the work supervisor must notify the facility to initiate escape procedures.

L. Law Enforcement Notification of Offenders working in the Community:

One day prior to an approved offender being transferred to a new, non-routine community work site, it will be the responsibility of the offender(s) Management Team to notify local law enforcement via phone and/or a faxed copy of approved paperwork.

## VI. CLOSING

Questions concerning this policy should be directed to the Warden /Superintendent/Facility Administrator or Contract Placement Bureau Chief.